

CHAPTER 143**TRANSPORTATION REGULATION
AND LAND SURVEYING STANDARDS***H.F. 793*

AN ACT relating to administration of regional transportation by regional transit districts and of highways and regulation of motor vehicles by the state department of transportation, including provisions relating to the placement of advertising devices along primary highways, qualifications of property appraisers, state standards for land surveying, destruction of suspended or revoked driver's licenses, requirements for a temporary restricted driver's license, registration and titling of vehicles, legion of merit special registration plates, antique motor vehicle registration plates and fees, licensing of motor vehicle dealers, motor carrier registration and fuel tax liability, the maximum length limitation for single trucks, requirements for operation of certain self-propelled implements of husbandry on secondary roads, and disposition of regional transit district tax revenues collected by a county treasurer, and providing effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

**DIVISION I
HIGHWAYS**

Section 1. Section 306C.11, subsection 2, Code 2007, is amended to read as follows:

2. Advertising devices concerning activities conducted on the property on which they are located, nor shall the property upon which they are located be construed to mean located upon any contiguous area having inconsistent use, size, shape, or ownership. However, businesses located within the limits of a commercial or industrial development may be advertised on a sign located anywhere within the development regardless of land ownership.

Sec. 2. Section 543D.3, unnumbered paragraph 2, Code 2007, is amended to read as follows:

A person who is not a certified real estate appraiser under this chapter may appraise real estate for compensation if certification is not required by this chapter or by federal or state law, rule, or policy. However, an employee of the state department of transportation whose duties include appraisals of property pursuant to chapter 6B must be a certified real estate appraiser under this chapter or an associate real estate appraiser registered by the board and acting under the direct supervision of a certified real estate appraiser.

Sec. 3. The section of this division of this Act that amends section 543D.3 is void if 2007 Iowa Acts, Senate File 137,¹ section 1, amending section 543D.3, is enacted.

**DIVISION II
LAND SURVEYING STANDARDS**

Sec. 4. Section 355.5, subsection 4, Code 2007, is amended to read as follows:

4. Distances shall be shown in decimal feet in accordance with the definition of the ~~international~~ U.S. survey foot. Distance measurements shall refer to the horizontal plane.

Sec. 5. Section 355.7, subsection 10, Code 2007, is amended to read as follows:

10. Distance shall be shown in decimal feet in accordance with the definition of the ~~international~~ U.S. survey foot. Distance measurements shall refer to the horizontal plane.

Sec. 6. Section 355.8, subsection 13, Code 2007, is amended to read as follows:

13. Distances shall be shown in feet to at least the nearest one-tenth of a foot in accordance

¹ Chapter 72 herein

with the definition of the ~~international~~ U.S. survey foot. Distance measurements shall refer to the horizontal plane.

DIVISION III
MOTOR VEHICLES

Sec. 7. Section 321.16, Code 2007, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a peace officer serves notice of immediate suspension or revocation of a driver's license as provided in this chapter or any other chapter, the peace officer may destroy the license or send the license to the department.

Sec. 8. Section 321.24, subsection 11, Code 2007, is amended to read as follows:

11. If the county treasurer or department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, or a junking certificate has been issued for the vehicle but a certificate of title will not be reissued under section 321.52, subsection 3, and the vehicle qualifies as an antique vehicle under section 321.115, subsection 1, the county treasurer or department may register the vehicle but shall, as a condition of issuing a certificate of title and registration receipt, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to conduct a surety business in this state. The owner of a vehicle subject to the bond requirements of this subsection shall apply for a certificate of title and registration for the vehicle at the county treasurer's office within thirty days of issuance of written authorization from the department. The bond shall be in an amount equal to one and one-half times the current value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or ~~prior thereto~~ earlier if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. The department may authorize issuance of a certificate of title as provided in this subsection for a vehicle with an unreleased security interest upon presentation of satisfactory evidence that the security interest has been extinguished ~~and~~ or that the holder of the security interest cannot be located to release the security interest as provided in section 321.50.

Sec. 9. Section 321.34, subsection 15, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The owner of a motor vehicle subject to registration under section 321.109, subsection 1, motorcycle, trailer, or motor truck, who has been awarded the legion of merit ~~may~~ shall be issued one set of special registration plates with a legion of merit processed emblem, upon written application to the department and presentation of satisfactory proof of the award of the legion of merit as established by the Congress of the United States, ~~order special registration plates with a legion of merit processed emblem~~. The emblem shall be designed by the department in cooperation with the adjutant general and shall signify that the owner was awarded the legion of merit. The application is subject to approval by the department, in consultation with the adjutant general. The special plates shall be issued at no charge and are subject to an annual registration fee of fifteen dollars. The county treasurer shall validate the special plates in the same manner as regular registration plates are validated under this section.

Sec. 10. Section 321.52, subsection 4, paragraph a, Code 2007, is amended to read as follows:

a. A vehicle rebuilder or a person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered in this state, upon acquisition of a wrecked or salvage vehicle, shall surrender the certificate of title or manufacturer's or importer's statement of origin properly assigned, together with an application for a salvage certificate of title, to the county treasurer of the county of residence of the purchaser or transferee within thirty days after the date of assignment of the certificate of title for the wrecked or salvage motor vehicle. This subsection applies only to vehicles with a fair market value of five hundred dollars or more, based on the value before the vehicle became wrecked or salvage. Upon payment of a fee of two dollars, the county treasurer shall issue a salvage certificate of title which shall bear the word "SALVAGE" stamped or printed on the face of the title in a manner prescribed by the department. A salvage certificate of title may be assigned to an educational institution, a new motor vehicle dealer licensed under chapter 322, a person engaged in the business of purchasing bodies, parts of bodies, frames or component parts of vehicles for sale as scrap metal, a salvage pool, or an authorized vehicle recycler licensed under chapter 321H. An authorized vehicle recycler licensed under chapter 321H or a new motor vehicle dealer licensed under chapter 322 may assign or reassign ~~a an Iowa salvage certificate of title or a salvage certificate of title from another state~~ to any person, and the provisions of section 321.24, subsection 5, requiring issuance of an Iowa salvage certificate of title shall not apply. A vehicle on which ownership has transferred to an insurer of the vehicle as a result of a settlement with the owner of the vehicle arising out of damage to, or unrecovered theft of, the vehicle shall be deemed to be a wrecked or salvage vehicle and the insurer shall comply with this subsection to obtain a salvage certificate of title within thirty days after the date of assignment of the certificate of title of the vehicle.

Sec. 11. Section 321.112, Code 2007, is amended to read as follows:

321.112 MINIMUM MOTOR VEHICLE FEE.

No motor vehicle, except as provided in ~~sections 321.115 and~~ section 321.117, shall be registered for a registration year for less than ten dollars.

Sec. 12. Section 321.115, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

321.115 ANTIQUE VEHICLES — MODEL YEAR PLATES PERMITTED.

1. A motor vehicle twenty-five years old or older may be registered as an antique vehicle upon payment of the fee provided for in section 321.113, 321.122, or 321.124. The owner of a motor vehicle registered under this subsection may display authentic Iowa registration plates from the model year of the motor vehicle, furnished by the person and approved by the department, in lieu of the current and valid Iowa registration plates issued for the vehicle, provided that the current and valid Iowa registration plates and the registration card issued for the vehicle are simultaneously carried within the vehicle and are available for inspection to any peace officer upon the officer's request.

2. The sale of a motor vehicle twenty years old or older which is primarily of value as a collector's item and not as transportation is not subject to chapter 322, and any person may sell such a vehicle at retail without a license as required under chapter 322.

3. Truck tractors and semitrailers used in combination for exhibition and educational purposes may be registered and driven according to the provisions of subsection 1. Truck tractors and semitrailers registered under this section shall not be used to haul loads.

4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, paragraph "b".

Sec. 13. Section 321.134, subsection 2, Code 2007, is amended to read as follows:

2. The annual registration fee for trucks, truck tractors, and road tractors, as provided in sections 321.121 and 321.122, may be payable in two equal semiannual installments if the an-

nual registration fee exceeds the registration fee for a vehicle with a gross weight exceeding five tons. The penalties provided in subsection 1 shall be computed on the amount of the first installment only and on the first day of the seventh month of the registration period the same rate of penalty shall apply to the second installment, until the fee is paid. Semiannual installments do not apply to commercial vehicles, as defined under section 326.2, subject to proportional registration, with a base state other than the state of Iowa, as defined in section 326.2, subsection 1. The penalty on vehicles registered under chapter 326 accrues August 1 of each year except as provided in section 326.6. The department shall not allow the registration fee for a commercial vehicle registered under chapter 326 to be paid in two equal semiannual installments for five years after the registrant has paid the registration fee late for two consecutive years.

Sec. 14. Section 321.206, Code 2007, is amended to read as follows:

321.206 SURRENDER OF LICENSE — DUTY OF COURT.

If a person is convicted in court of an offense for which this chapter requires mandatory revocation of the person's driver's license or, if the person's license is a commercial driver's license and the conviction disqualifies the person from operating a commercial motor vehicle, the court shall require the person to surrender the driver's license held by the person and the court shall destroy the license or forward the license together with a record of the conviction to the department as provided in section 321.491.

Sec. 15. Section 321.285, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding any other speed restrictions, a self-propelled implement of husbandry equipped with flotation tires that is designed to be loaded and operated in the field and used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals shall not be operated on a highway at a speed in excess of thirty-five miles per hour.

Sec. 16. Section 321.457, subsection 2, paragraph a, unnumbered paragraphs 1 and 2, Code 2007, are amended to read as follows:

A single truck, unladen or with load, shall not have an overall length, inclusive of front and rear bumpers, in excess of forty-four feet. When determining the overall length of a single truck, the following shall be excluded:

When determining the overall length of a single truck, the following shall be excluded:

Sec. 17. Section 321.463, subsection 4, paragraph a, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Self-propelled implements of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals, unless traveling under a permit issued pursuant to section 321E.8A, shall be operated in compliance with this section.

Sec. 18. Section 321E.2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Annual, multi-trip, and single-trip permits shall be issued by the authority responsible for the maintenance of the system of highways or streets. However, the department may issue permits on primary road extensions in cities in conjunction with movements on the rural primary road system. The department may issue an all-system permit under section 321E.8 which is valid for movements on all highways or streets under the jurisdiction of either the state or those local authorities which have indicated in writing to the department those streets or highways for which an all-system permit is not valid. The department may issue annual permits pursuant to section 321E.8A valid only for operation on noninterstate highways in counties stipulated in the permit.

Sec. 19. Section 321E.7, Code 2007, is amended by adding the following new subsection:
NEW SUBSECTION. 4. Notwithstanding subsections 1 and 2, a self-propelled implement of husbandry traveling under a permit issued pursuant to section 321E.8A may exceed the maximum axle loads prescribed under section 321.463 only when operated on a noninterstate highway in a county covered under the permit, provided the weight on any one axle does not exceed twenty-five thousand pounds, and provided the current and valid permit is carried in the vehicle. For purposes of this subsection, “noninterstate highway” does not include a bridge.

Sec. 20. **NEW SECTION.** 321E.8A SELF-PROPELLED IMPLEMENT OF HUSBANDRY — ANNUAL PERMIT.

1. A self-propelled implement of husbandry equipped with flotation tires that is designed to be loaded and operated in the field and used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals, and that, as newly manufactured, exceeds the axle weight limits under section 321.463 when unloaded, may be operated on noninterstate highways, excluding bridges, in a county pursuant to a permit issued by the department for travel within the county. Prior to issuing a permit, the department shall collect a fee of six hundred dollars for each county in which the vehicle will be operated during the period of the permit beginning July 1 and ending June 30, provided that a permit shall not be issued for a vehicle for operation in more than ten counties and the total amount of fees collected for a vehicle for the period of the permit shall not exceed three thousand five hundred dollars. Moneys collected by the department on behalf of the counties in which the vehicle will be operated shall be allotted equally to those counties and deposited in the secondary road funds of those counties. A vehicle for which a permit is issued under this section shall be assigned a permit number that shall be displayed on the door of the vehicle in numbers that contrast sharply in color with the background on which the number is placed, be readily legible during daylight hours from a distance of fifty feet when the vehicle is stationary, and be maintained in a manner that retains the legibility. Only vehicles originally purchased or ordered prior to February 1, 2007, are eligible for a permit. New permits shall not be issued on or after July 1, 2007; however, a permit issued for a vehicle under this section prior to July 1, 2007, may be renewed for that vehicle annually upon payment of the appropriate county fees.

2. A vehicle described in subsection 1 shall not be operated on a highway without a permit issued under this section. The owner of a vehicle that is operated in violation of section 321E.7, subsection 4, or this section is subject to a civil penalty of ten thousand dollars, in addition to any other penalties that may apply.

Sec. 21. Section 321J.4, subsection 9, paragraph d, Code 2007, is amended to read as follows:

d. The court shall determine if the temporary restricted license is necessary for the person to maintain the person’s present employment. However, a temporary restricted license shall not be ordered or issued for a violation of section 321J.2A or to a person under the age of twenty-one whose license is revoked under this section or section 321J.9 or 321J.12. If the court determines that the temporary restricted license is necessary for the person to maintain the person’s present employment, and that the minimum period of ineligibility for receipt of a temporary license has expired, the court shall order the department to issue to the person a temporary restricted license conditioned upon the person’s certification to the court of the installation of approved ignition interlock devices in all motor vehicles that it is necessary for the person to operate to maintain the person’s present employment. A person whose driver’s license or nonresident operating privilege has been revoked under section 321J.21 may apply to the department for a temporary restricted license without the requirement of an ignition interlock device if at least twelve years have elapsed since the end of the underlying revocation period for a violation of section 321J.2.

Sec. 22. Section 322.4, Code 2007, is amended to read as follows:

322.4 APPLICATION FOR LICENSE.

1. Each person before engaging in this state in the business of selling at retail motor vehicles or representing or advertising that the person is engaged or intends to engage in such business in this state shall file in the office of the department an application for license as a motor vehicle dealer in the state in such form as the department may prescribe, duly verified by oath, which application shall include the following:

1. a. The name of the applicant and the applicant's principal place of business wherever situated, ~~and the following, as appropriate:~~

a. ~~(1)~~ If the applicant is an individual — ~~the individual,~~ the name or style under which the individual intends to engage in such business.

b. ~~(2)~~ If the applicant is a copartnership — ~~the copartnership,~~ the name or style under which such the copartnership intends to engage in such business and the name and post-office bona fide address of each partner two partners.

c. ~~(3)~~ If the applicant is a corporation — ~~the corporation,~~ the state of incorporation and the name and post-office bona fide address of each officer and director thereof two officers of the corporation.

2. b. The make or makes of new motor vehicles, if any, which the applicant will offer for sale to at retail in this state.

3. c. The location of each place of business within this state to be used by the applicant for the conduct of the applicant's business.

4. d. If the applicant is a party to any contract or agreement or understanding with any manufacturer or distributor of motor vehicles or is about to become a party to such a contract, agreement, or understanding, the applicant shall state the name of each such manufacturer ~~and or~~ distributor and the make or makes of new motor vehicles, if any, which are the subject matter of each such contract.

5. e. A statement of the previous history, record, and association of the applicant and if the applicant is a copartnership, of each partner thereof, and if the applicant is a corporation, of each officer and director thereof, which statement shall be sufficient to establish to the department the reputation in business of the applicant.

6. f. A description of the general plan and method of doing business in this state, which the applicant will follow if the license applied for in such application is granted.

7. g. Before the issuance of a motor vehicle dealer's license to a dealer engaged in the sale of vehicles for which a certificate of title is required under chapter 321, the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of fifty thousand dollars and be conditioned upon the faithful compliance by the applicant as a dealer with all of the statutes of this state regulating or applicable to the business of a dealer in motor vehicles, and indemnifying any person who buys a motor vehicle from the dealer from any loss or damage occasioned by the failure of the dealer to comply with any of the provisions of chapter 321 and this chapter, including, but not limited to, the furnishing of a proper and valid certificate of title to the motor vehicle involved in a transaction. The bond shall also indemnify any motor vehicle purchaser from any loss or damage caused by the failure of the dealer to comply with the odometer requirements in section 321.71, regardless of whether the motor vehicle was purchased directly from the dealer. The bond shall be filed with the department prior to the issuance of a license. The aggregate liability of the surety, however, shall not exceed the amount of the bond.

8. h. Proof that the applicant has financial liability coverage as defined in section 321.1, except that such coverage shall be in limits of not less than one hundred thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, three hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and fifty thousand dollars because of injury to or destruction of property of others in any one accident.

9. i. Such other information touching the business of the applicant as the department may require.

2. For the purpose of investigating the matters contained in such application, the department may withhold the granting of a license for a period not exceeding thirty days.

3. For purposes of this section, "bona fide address" means the same as defined in section 321.1.

Sec. 23. Section 322.7, subsection 1, Code 2007, is amended to read as follows:

1. If the department grants the application of any person for a license as a motor vehicle dealer, it shall evidence the granting thereof by a final order and shall issue to the person a license in such form as may be prescribed by the department, which license shall include the following:

a. ~~The name of the person licensed.~~

b. ~~a.~~ If the applicant is an individual or a copartnership — the copartnership, the name or style under which the licensee will engage in such business and if a copartnership, the name and address of each partner.

~~c.~~ b. The principal place of business of the licensee and location therein of each place wherein the licensee is licensed to carry on such business.

d. ~~c.~~ The make or makes of new motor vehicles which the licensee is licensed to sell.

Sec. 24. Section 326.10A, Code 2007, is amended to read as follows:

326.10A PAYMENT BY CHECK.

The department shall accept payment of fees under this chapter by personal or corporate check. The fee shall be deemed to have been paid upon receipt of the check. If the check is not honored, all fees and penalties shall accumulate as if the fee was not paid. After appropriate warning from the department, the registration account shall be suspended, collection pursued, and the delinquent registration fees shall become a debt due the state of Iowa. After a dishonored check has been received from an applicant, payments submitted by the applicant during the following year must be made with guaranteed funds. However, the department may instead accept payment in the form of a corporate check made on behalf of the applicant from an approved company with a satisfactory payment history.

Sec. 25. Section 326.16, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Failure to receive a renewal notice or an invoice by mail, facsimile transmission, or any other means of delivery does not relieve the registrant of the financial responsibility for the renewal fees, invoiced amount, or accrued penalties.

Sec. 26. NEW SECTION. 326.24 REGISTRATION DENIED OR SUSPENDED.

If the international fuel tax agreement license issued to an applicant or registrant under chapter 452A is suspended or revoked or if the director refuses to issue an international fuel tax agreement license because of unpaid debt, the director may deny or suspend the applicant's or registrant's registration under this chapter.

Sec. 27. Section 327B.1, Code 2007, is amended to read as follows:

327B.1 AUTHORITY SECURED AND REGISTERED.

1. a. It is unlawful for a carrier to perform an interstate transportation service for compensation upon the highways of this state without first registering the authority obtained from the United States department of transportation or evidence that such authority is not required with the state department of transportation.

2. b. The department shall participate in the single state insurance registration program for regulated motor carriers as provided in 49 U.S.C. § 14504 and United States department of transportation regulations.

3. c. Registration for carriers transporting commodities exempt from United States department of transportation regulation shall be granted without hearing upon application and payment of a twenty-five-dollar filing fee and an annual one-dollar fee per vehicle.

4. d. The state department of transportation may execute reciprocity agreements with au-

thorized representatives of any state exempting nonresidents from payment of fees as set forth in this chapter. The state department of transportation shall adopt rules pursuant to chapter 17A for the identification of vehicles operated under reciprocity agreements.

5. ~~e.~~ Fees may be subject to reduction or proration pursuant to sections 326.5 and 326.32.

2. ~~a.~~ On and after the date on which the secretary of the United States department of transportation establishes the unified carrier registration system in accordance with Title 49, United States Code, as amended by Pub. L. No. 109-59, a foreign or domestic motor carrier, motor private carrier, leasing company, broker, or freight forwarder shall not operate any motor vehicle on the highways of this state without first registering the motor vehicle under the unified carrier registration system and paying all required fees.

~~b.~~ The state department of transportation shall continue to require each interstate for-hire motor carrier to make an annual payment of one dollar per owned and operated vehicle for filings made with the state department of transportation under the single state registration system until the occurrence of the transition termination date in accordance with 49 U.S.C. § 13902(f), as amended by Pub. L. No. 109-59.

~~c.~~ The state department of transportation may participate in the unified carrier registration plan and agreement established in accordance with 49 U.S.C. § 14504a, as amended by Pub. L. No. 109-59, and to file on behalf of the state the plan required by the provisions of 49 U.S.C. § 14504a(e).

6. ~~3.~~ A motor carrier shall keep proper evidence of interstate authority in the motor vehicle being operated by the motor carrier and the motor carrier owner or driver shall make such evidence available to a peace officer upon request.

7. ~~4.~~ A motor carrier owner or driver charged with failure to have proper evidence of interstate authority shall not be convicted of such violation and the citation shall be dismissed by the court if the person produces to the clerk of court prior to the date of such person's court appearance as indicated on the citation, proof of interstate authority issued to that person and valid at the time the person was charged with the violation under this section. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.

Sec. 28. Section 327B.6, Code 2007, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section is repealed on the transition termination date referred to in section 327B.1, subsection 2, paragraph "b".

Sec. 29. Section 452A.54, unnumbered paragraph 4, Code 2007, is amended to read as follows:

To determine the amount of fuel taxes due under this division and to prevent the evasion thereof, the state department of transportation shall require a quarterly report on forms prescribed by the state department of transportation. It shall be filed not later than the last day of the month following the quarter reported, and each quarter thereafter. These reports shall be required of all persons who have been issued a permit or license under this division and shall cover actual operation and fuel consumption in Iowa on the basis of the permit or license holder's average consumption of fuel in Iowa, determined by the total miles traveled and the total fuel purchased and consumed for highway use by the permittee's or licensee's commercial motor vehicles in the permittee's or licensee's entire operation in all states to establish an overall miles per gallon ratio, which ratio shall be used to compute the gallons used for the miles traveled in Iowa. Failure to receive a quarterly report or fuel credentials by mail, facsimile transmission, or any other means of delivery does not relieve a person from the person's fuel tax liability or from the requirement to display current fuel credentials.

Sec. 30. Section 452A.68, unnumbered paragraph 2, Code 2007, is amended to read as follows:

If a licensee abuses the privileges for which the license was issued, fails to produce records

reasonably requested, or fails to extend reasonable co-operation cooperation to the appropriate state agency, or has been suspended for nonpayment of fees under chapter 326 and still owes fees to the department, the licensee shall be advised in writing of a hearing scheduled to determine if the license shall be canceled. The appropriate state agency upon the presentation of a preponderance of evidence may cancel a license for cause.

Sec. 31. SINGLE STATE REGISTRATION SYSTEM TERMINATION DATE — NOTICE TO CODE EDITOR. The state department of transportation shall notify the Code editor of the date determined by the secretary of the United States department of transportation to be the transition termination date which is established as the effective date of the repeal of section 327B.6, as amended in this Act.

Sec. 32. IMPLEMENTATION OF PERMITTING PROCESS FOR CERTAIN SELF-PROPELLED IMPLEMENTS OF HUSBANDRY. The department of transportation shall begin accepting applications for permits required under section 321E.8A, as enacted in this Act, on or before June 1, 2007, and shall provide for the issuance of those permits prior to July 1, 2007, to be effective July 1, 2007.

Sec. 33. 2006 Iowa Acts, chapter 1070, section 5, is repealed.

Sec. 34. Sections 327B.4 and 327B.7, Code 2007, are repealed.

Sec. 35. EFFECTIVE DATES.

1. The section of this Act amending section 321.457, being deemed of immediate importance, takes effect upon enactment.

2. The sections of this Act amending sections 327B.1 and 327B.6, and repealing sections 327B.4 and 327B.7, being deemed of immediate importance, take effect upon enactment.

3. The section of this Act repealing 2006 Iowa Acts, chapter 1070, section 5, being deemed of immediate importance, takes effect upon enactment.

4. The sections of this Act amending sections 321.112 and 321.115 take effect July 1, 2008.

5. The section of this Act requiring the department of transportation to implement the permitting process for certain self-propelled implements of husbandry, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV REGIONAL TRANSIT DISTRICTS

Sec. 36. Section 28M.4, subsection 6, Code 2007, is amended to read as follows:

6. ~~All moneys received by the commission~~ Tax revenues collected from a regional transit district levy shall be held by the county treasurer in a separate fund. ~~If more than one county is participating in the regional transit district, the moneys shall be paid to the county treasurer of the participating county with the largest population. Moneys may be paid out of the fund only at the direction of the commission. Before the fifteenth day of each month, the county treasurer shall send the amount collected for each fund through the last day of the preceding month for direct deposit into the depository and account designated by the commission. The county treasurer shall send a notice to the secretary of the commission or the secretary's designee stating the amount deposited, the date, the amount to be credited to each fund according to the budget, and the source of the revenue.~~

Approved May 9, 2007

CHAPTER 144**PUBLIC IMPROVEMENT BIDS AND CONTRACTS***H.F. 830*

AN ACT relating to the construction bidding procedures act by modifying procedures and requirements for letting public improvement contracts, and making corrections.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 26.2, subsection 1, Code 2007, is amended to read as follows:

1. "Estimated total cost of a public improvement" or "estimated total cost" means the estimated total cost to the governmental entity to construct a public improvement, including cost of labor, materials, equipment, and supplies, but excluding the cost of architectural, landscape architectural, or engineering design services and inspection.

Sec. 2. Section 26.2, subsection 4, Code 2007, is amended to read as follows:

4. "Repair or maintenance work" means the preservation of a ~~road, street, bridge, culvert building~~, storm sewer, sanitary sewer, or other public facility or structure so that it remains in sound or proper condition, including minor replacements and additions as necessary to restore the public facility or structure to its original condition with the same design.

Sec. 3. Section 26.3, subsections 1 and 2, Code 2007, are amended to read as follows:

1. If the estimated total cost of a public improvement exceeds the competitive bid threshold of one hundred thousand dollars, or the adjusted competitive bid threshold established in section 314.1B, the governmental entity shall advertise for sealed bids for the proposed public improvement by publishing a notice to bidders as ~~provided in section 362.3. The notice to bidders shall be published at least once, not less than four and not more than forty-five days before the date for filing bids, in a newspaper published at least once weekly and having general circulation in the geographic area served by the governmental entity.~~ Additionally, the governmental entity may publish a notice in a relevant contractor organization publication and a relevant contractor plan room service with statewide circulation, provided that a notice is posted on a website sponsored by either a governmental entity or a statewide association that represents the governmental entity. ~~The notice to bidders shall be published more than twenty days but not more than forty-five days before the date for filing bids.~~

2. A governmental entity shall have an engineer licensed under chapter 542B, a landscape architect licensed under chapter 544B, or an architect registered under chapter 544A prepare plans and specifications, and calculate the estimated total cost of a proposed public improvement.

Sec. 4. Section 26.4, Code 2007, is amended to read as follows:

26.4 EXEMPTIONS FROM COMPETITIVE BIDS AND QUOTATIONS.

Architectural, landscape architectural, or engineering design services procured for a public improvement are not subject to sections 26.3 and 26.14.

Sec. 5. Section 26.8, subsection 1, Code 2007, is amended to read as follows:

1. Each bidder shall accompany its bid with a bid security as security that the successful bidder will enter into a contract for the work bid upon and will furnish after the award of contract a corporate surety bond, acceptable to the governmental entity, for the faithful performance of the contract, in an amount equal to one hundred percent of the amount of the contract. The bid security shall be in an amount fixed by the governmental entity, and shall be in the form of a cashier's check or certified check drawn on a state-chartered or federally chartered bank, or a certified share draft drawn on a state-chartered or federally chartered credit union, or the governmental entity may provide for a bidder's bond with corporate surety satisfactory to the